

Safe Delivery Program

FACT Sheet

Effective January 1, 2001

Why a new law?

To end the tragedy of unwanted newborns being hidden and left to die in dumpsters and elsewhere, Michigan lawmakers have passed a law to make it legal for a parent to surrender their infant in a safe and anonymous manner.

What the new law provides?

- Unharmred newborns, up to 72 hours old, can be taken to an **Emergency Service Provider (ESP)**, meaning, a uniformed or otherwise identified employee of a fire department, hospital or police station that is **inside** the building and on duty. The parent has the choice to leave the infant without giving any identifying information to the **ESP**.
- The **ESP** is authorized to accept the infant and provide whatever care may be necessary.
- The **ESP** will make a reasonable effort to provide the parent with the following information:
 1. A written statement of the parent's rights following surrender of the infant.
 2. Information about other confidential infant placement options, as well as information about the availability of confidential medical and counseling services, e.g., Public Health, Community Mental Health, Family Planning Clinics, Adoption Agencies.

What are the rights of the surrendering parent?

- The surrendering parent has the right to be informed that by surrendering the newborn, the parent is releasing the newborn to a child placing agency to be placed for adoption.
- The parent has 28 days to petition the court to regain custody of the newborn.
- Any information the parent provides the **ESP** will **not** be made public.
- A criminal investigation shall not be initiated solely on the basis of a newborn being surrendered to an ESP.

What happens to the baby?

- After the child's medical status is assessed and any urgent medical needs are met, the newborn is placed under the temporary custody of the court in an approved preadoptive family.
- After the 28-day period for the parent to petition the court for custody elapses, there will be a public hearing to terminate parental rights.
- There will be a public notice of this hearing, and the notice will not contain the parent's name, even if known.
- The parent will not receive personal notice of this hearing, even if the parent has provided a name and address to the **ESP**.
- The infant will be placed for adoption as soon as parental rights have been legally terminated.

Can the parent provide background information?

Yes! Definitely, yes, The **ESP** will make a reasonable attempt to offer the parent the opportunity to:

1. Identify herself/himself and the other parent.
2. Provide information about prenatal care.
3. Provide family medical history and any history of parental substance abuse.
4. To sign a release of parental rights.
5. Receive information about confidential medical care she may be in need of herself.

Does this law encourage parental irresponsibility?

There is no evidence from other states that the presence of such laws encourage abandonment.

The purpose of this law is to reduce the tragic loss of life when parents of newborns react out of fear and panic.

For more information call:

Toll Free: 1-866-733-7733

Quantity: 30,000

Cost: \$558.50 (.018 ea.)

Authorization: FIA Director

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